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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/824,621
Filing Date: April 02, 2001
Appellant(s): MATTICE ET AL.

George H. Gerstman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1 October 2007 appealing from the Office action mailed 2 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,641,483	Luciano et al.	11-2003
5,774,058	Henry et al.	06-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10 & 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al (US Patent Number 6,641,483) in view of Henry et al. (US Patent Number 5,774,058).

Claims 1, 32, 37: Luciano teaches an apparatus (Lockable Security Cabinet) for selectively controlling access to a plurality of physical areas of a gaming machine. (Abstract) Luciano teaches a plurality electrically operable lock mechanisms respectively associated with the areas and each physically movable between unlocked and locked conditions with respect to its associated area. (Col 8, 19-21 teaches electronic locks. Fig 3 teaches a plurality of locks. Locks inherently move between a locked and unlocked position.) Clearly, the data input devices for the electronic locks would be located on the gaming device. Luciano teaches that it is important that certain identified personnel have access to some but not all of the plurality of physical areas of the gaming machine. (Col 1, 42-53) Luciano fails to teach the details of the operation of electronic locks. Henry teaches these details.

Henry teaches control circuitry (Fig 5) independent of the gaming machine including a processor (58) operating under control of a stored program (Fig 6) and coupled to each of the lock mechanisms via a communications link for controlling operation of the lock. This means that the input device is remote from the physical lock. Thus the apparatus remotely controls access. There is a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing data including personnel identification data and access authorization data indicative of the areas if any, of the machine for which a person seeking access to the machine is authorized. There is a data input device (keyboard – Fig 14) coupled to the processor for inputting at least personnel identification data (pin – Fig 10) identifying a person seeking access to an area of the machine. (Col 3, 22-24) The processor is responsive to compare personal identification data inputted by the user with data stored on the storage media for operating one or more lock mechanisms (Abstract) in accordance with access authorization corresponding to an identified person. (Fig 10) Clearly, a user may access one or more physical areas (i.e., a plurality of physical areas) of the machine without having access to all areas. The processor causes the lock mechanism of the physical areas to which access is authorized to move to the unlocked position to allow access to those physical areas – this is how all electronic locks work. (See Summary of the Invention for more information.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano in view of Henry to include the circuitry and programming described in Henry in order to carry out Luciano's suggestion to use

electronic locks. The method of use is rendered obvious by the structure. Clearly a system that may be used on a single system may be used on a plurality of systems.

Regarding the newly added limitations, it would be ludicrous to assert that Luciano contemplates a situation in which there was only one system within a casino that required access control. Casinos typically have hundreds, perhaps thousands, of gaming machines. Clearly, each machine requires access control.

Furthermore, Luciano's teachings are applicable to any number of gaming machines. Luciano teaches that it is important to restrict access to the interior of gaming machines – certain people are authorized access to some locks, while forbidden access to others. Taken over a group of gaming machines, a certain person (e.g., a maintenance technician named Smith) may be authorized access to a certain lock or locks (e.g., Lock A & Lock B) on machines 1-10, but denied access to any other locks on those machines and any locks on any other machine. This is a logical implication of Luciano's teaching.

Henry teaches controlling multiple locks from a single location. Henry's device neither knows nor cares where these locks are. Henry teaches sending an actuation signal down a wire in response to the proper access identification – the physical location of the lock is immaterial. Henry's invention works equally well if the locks are attached to one gaming machine or one hundred. Certainly, it would make no sense to have a separate controller for each machine when one of Henry's can control access to several machines.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano in view of Henry to control access to several gaming machines (and portions of gaming machines) in order to apply Luciano's teachings

regarding the importance of access control to the multi-machine environment typical to most (if not all) casinos.

Claims 2, 4: Henry's data input device includes a keypad (Col 3, 25-27 & Fig 2, 22).

Claims 3, 33: Henry's data input device includes a key reader, which is essentially a card reader (the key stores information about the user – just like a card), the data storage and retrieval system including a personal data card assigned to a person seeking access to the machine and readable by the card reader. (Col 3, 11-14)

Claim 5: Luciano teaches one or more doors respectively associated with one or more areas and respectively provided with lock mechanisms, each door being movable between open and closed conditions. (Fig 3)

Claim 6: Each of Luciano's lock mechanisms directly controls access to its associated area.

Claim 7: Each door includes a manual latch, the lock mechanism for a door indirectly controlling access to the associated area by controlling enablement and disablement of the manual latch. This is how locks work. The lock mechanism (443) controls the enablement and disablement of a manual latch (locking tab 452). The locking tab actually holds the door shut – not the lock itself.

Claims 8, 35: Henry teaches a sensing apparatus for sensing the condition of each door and each lock mechanism. (Col 4, 49-52)

Claim 34: Henry teaches a remote control apparatus in communication with the processor for control thereof from a remote location. The keyboard is a remote control

apparatus that controls the processor from a location remote from the processor. The processor is remote from the locks.

Claim 10: Luciano teaches that at least one area includes a switch (242, etc), the associated lock mechanism enabling and disabling the switch. (Col 5, 50-54)

Claim 36: Henry teaches providing a manual override key for each lock mechanism and providing an indication when a lock mechanism has been manually operated. (Table 3)

Claims 38-40: Henry's lock has a solenoid with a plunger. (See discussion of Fig 5, 78.) The plunger opens and closes to allow access.

(10) Response to Argument

This is a simple case of combining well-known prior art elements in a known manner to produce predictable results. Furthermore, the base reference (Luciano) suggests making such a combination.

As Appellant points out, Luciano teaches the importance of controlling access to various portions of a slot machine by using a number of different locks. Luciano teaches that this allows people to have access only to those portions that they are required to access in order to do their jobs. Thus an attendant might have access to the coin hopper, but not to the computer that runs the game. A technician might have access to the computer, but not to the coin hopper. While Luciano describes the invention in terms of mechanical locks, he also teaches that the same results may be obtained by using electronic locks. Examiner contends that this would motivate one of ordinary skill to look to electronic locks.

Henry teaches electronic locks. Henry teaches controlling access to different areas by electronic locks. A person may have access to one area without having access to others. This is

precisely the sort of system that one of ordinary skill would look to in order to carry out Luciano's suggestion to use electronic locks.

Appellant argues that Henry does not teach controlling access to different areas of a slot machine, but the combination of Luciano and Henry does. Essentially, Appellant argues each reference separately, but fails to address the combination. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant then argues that Luciano discloses a single gaming machine, not a plurality of gaming machines. Yet casinos are well known to have more than one slot machine. And certainly Luciano's disclosure is applicable to each of the slot machines owned by a casino. Thus each casino would have a plurality of locks on a plurality of slot machines. Each of those locks would have to be controlled if they were to function. Henry teaches remotely controlling a plurality of locks in a plurality of locations from a single control unit. Having a single control station for all of the gaming machine locks would reduce cost and increase security. It would have been obvious to one of ordinary skill in the art at the time of the invention to have controlled all the locks on all of the slot machines in a casino from a single station (as taught by Henry) in order to reduce costs and increase security.

Appellant repeatedly argues that Henry teaches a single lock on a single device. But each lock is on a door or drawer. Whether these doors are on the same device or not is immaterial. It is certainly within the level of ordinary skill to put the locks on any door to which one wishes to

control access. Furthermore, as pointed out above, Appellant's arguments on this score completely ignores the teachings of Luciano.

Appellant argues that the combination of Luciano and Henry is based on "tortured reasoning" and misconstruction of the Henry reference. Examiner disagrees.

Luciano teaches the importance of controlling access to a plurality of different compartments of a slot machine. Since Luciano's teachings are applicable to every slot machine in a casino, Luciano teaches the importance of controlling access to a plurality of different compartments in a plurality of slot machines. Luciano suggests using electronic locks to effectuate this invention. Since Luciano does not teach the details of electronic locks, one of ordinary skill would have been motivated to look to inventions in the electronic lock art in order to carry out this suggestion.

Henry teaches a system that uses electronic locks to control access to a plurality of different areas. Just as in Luciano, one person may have access to some areas without having access to others. True, Henry does not concern itself with different areas of a gaming machine, but a door is a door and the lock neither knows nor cares whether it is on a safe or a door controlling access to an area of a slot machine. In short, Henry's disclosure is applicable to any situation in which one wishes to control access to a plurality of areas. Thus the combination of Henry and Luciano is proper.

Furthermore, using Henry's system would reduce cost by reducing the number of control stations needed by a casino – a single control station is cheaper than a control station for each slot machine and it is cheaper to set up and maintain a single control station than it is to set up and maintain hundreds or thousands of control stations. Henry's system also provides enhanced

security. This would provide ample motivation for one of ordinary skill in the art to combine the two systems.

Regarding claims 38-40, Luciano discloses keys and keyholes. Henry teaches a solenoid that moves between an extended and retracted position. The arrangement of this solenoid in front of a keyhole is within the level of ordinary skill and would yield predictable results. Arranging the parts as claimed would provide additional security by requiring the person opening the lock to know an access code and possess a key.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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